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of Racial Discrimination
Fortieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Eighth periodic reports of States parties
due in 1990

Addendum

MEXICO*

[22 May 1991]

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* The seventh and eighth periodic reports of Mexico, due on 22 March 1988 and 22 March 1990, are combined in this document.

For the fifth and sixth periodic reports submitted by the Government of Mexico and the summary records of the meetings at which the Committee considered the reports, see:

Fifth periodic report - CERD/C/115/Add.1 and Corr.1 (CERD/C/SR.706-SR.707);

Sixth periodic report - CERD/C/146/Add.2 (CERD/C/SR.833).

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PART I - GENERAL

1. As a State party to the International Convention on the Elimination of All Forms of Racial Discrimination, Mexico submits its seventh and eighth periodic reports under article 9 of the Convention to the Committee on the Elimination of Racial Discrimination.

2. In response to the frank and constructive dialogue with the Committee in connection with earlier reports, the Government has been guided in compiling the present report by the comments of the experts during the consideration of its predecessor.

3. In relation to article 2, information is given concerning legislative reforms, as well as national and local programmes and agencies to guarantee respect for the rights of indigenous inhabitants.

4. In keeping with the right of indigenous peoples to maintain and preserve their cultural life and languages, together with the values, traditions and customs this implies, interpreters are provided where necessary by the authorities responsible for the administration of justice and weight is given to the factors which mould the personalities of individual members of indigenous communities. Similarly, the country's complex agrarian structure, generates problems which are dealt with as an essential element of the programme of justice for the indigenous peoples.

5. In a broader context and in relation to article 6, the Committee is provided with information on the effective remedies available to any person within the jurisdiction of the Mexican State in respect of violations of his rights under the Convention. In this context, one of the best known remedies is the amparo procedure. The Federal Law on the Responsibilities of Public Servants is also fully applicable. Recourse may be had to the Federal Consumer Protection Agency or the National Human Rights Commission set up by decree of 6 June 1990.

6. In relation to article 5 information is given concerning the National Solidarity Programme. An important element of the National Development Plan (1989-1994), the Programme calls for immediate action in a number of areas which will gradually strengthen the productive capacity of disadvantaged social groups as a means of reducing poverty and promoting higher standards of social well-being.

7. Poverty is almost always self-sustaining, and decisive action by the State and society is required to create opportunites and encourage the efforts of the indigenous peoples and the rural and urban poor with a view to effectively meeting their basic needs.

8. Under the National Solidarity Programme, an increasing share of budgetary funds for social purposes have been made available for the regularization of title to land, housing, the creation and improvement of educational and health facilities, the provision of electricity for settlements and communities, drinking water supplies, facilities for animal husbandry and the preservation of natural resources.

9. The programme is directed towards increasing the productivity of the rural population and encouraging the diversification of economic activity, and towards equipping low-income settlements in urban areas with basic municipal services and promoting productive projects by the inhabitants of the settlements. In the case of ethnic groups, the activities undertaken give full weight to the culture and forms of organization of the groups concerned.

10. In relation to article 7, the report provides information on the bilingual-bicultural educational programme, which is a major experiment in promoting better understanding between the indigenous communities and the broader national society, of which those communities are a vital part.

PART II - INFORMATION IN RELATION TO ARTICLES 2 TO 7

Article 2

11. In earlier periodic reports the Government furnished information on the situation and problems of the indigenous peoples and the measures taken to ensure the full exercise of their human rights and fundamental freedoms on a basis of equality. In analysing the sixth periodic report the Committee expressed interest in receiving further information on measures to ensure the protection of the rights of the indigenous peoples. In this connection, the Government of Mexico wishes to bring to the Committee's attention the amendment of the codes of criminal procedure designed to ensure more equitable treatment of indigenous persons in all legal proceedings. Attention is also drawn to the justice programme of the National Institute for Indigenous Affairs (INI) and the work of the National Human Rights Commission in this area.

Legislative reforms

12. In order to consolidate the protection of human rights in all legal proceedings, particularly through enforcement of the legal requirements concerning arrest and detention, judicial examination and subsequent proceedings before the competent authorities, the Union Congress on 20 December 1990 approved a presidential initiative calling for the amendment of various provisions of the Federal and Federal District Codes of Penal Procedure. The reforms entered into force on 1 February 1991 and make specific provision for cases involving indigenous persons.

13. The package of legal reforms is directed towards four goals: broadening bail arrangements to enable more people, particularly poor people, to be granted provisional release; providing safeguards in regard to confessions by persons charged with offences and protecting their right to defend themselves through measures to prevent the use of torture, solitary confinement or harassment; and the establishment of specific rights for members of ethnic communities involved in criminal proceedings, including the obligation of public officials to provide reports requested by the National Human Rights Commission, an agency established by decree of 6 June 1990 as an addition to the institutional machinery available in Mexico for the protection of human rights.

14. In the case of indigenous citizens, the law requires that an interpreter must be provided if the person concerned does not speak Spanish. In criminal proceedings against members of indigenous communities, specific safeguards must be provided to ensure equitable protection appropriate to their circumstances.

15. The changes and additions to various articles are principally designed to strengthen statutory provisions to ensure more equitable treatment for members of ethnic groups who know little or no Spanish. In such circumstances it is a legal and human necessity that fair treatment should be ensured in conformity with the fundamental requirement of law appropriate to a State based on the rule of law.

16. Because of their customs, languages, values, legal traditions, social practices and environment, indigenous persons must be given special consideration, over and above that accorded to others.

17. The reforms approved are particularly concerned with strengthening the courts' duty to give due weight to all facts which throw light on the personality and background of members of particular ethnic groups involved in the commission of an offence.

18. The decree amending various provisions of the Federal and Federal District Codes of Penal Procedure, as published in the Official Gazette of the Federation on 8 January 1991, is attached. (Annex 1)

Justice programme for Indigenous peoples

19. One of the Government's principal concerns with regard to the indigenous populations is to make provision for the fair, effective and proper administration of justice taking into account the historical, social and cultural factors shaping the indigenous communities.

20. With this in mind, the President of the Republic set up a National Commission of Justice for Indigenous Peoples on 7 April 1989. The Commission is made up of eminent citizens and is an advisory body of the National Institute for Indigenous Affairs (INI).

21. The Justice Programme for Indigenous Peoples operates at various coordinated levels:

(a) Studies and recommendations aimed at improving the legal framework through recognition of the specific rights of indigenous peoples and active measures to encourage their enforcement and the elimination of discriminatory practices of any kind;

(b) The formation of agrarian conciliation teams to promote the solution of long-standing inter- and intra-community disputes;

(c) The direct provision of advisory services and defence aid and measures to secure the release of indigenous prisoners under the Law on Minimum Standards for the Social Rehabilitation of Convicts;

(d) The coordination of public programmes and voluntary organizations for the benefit of indigenous peoples through agreements and standing cooperative arrangements;

(e) The training of indigenous advocates and translators and support for the formation of professional societies and associations to furnish defence and advisory services on a permanent basis in indigenous areas, particularly in criminal and agrarian matters.

Aid to offenders

22. In this area, priority has been given to a census of imprisoned indigenous offenders so that their cases can be reviewed with the aim of securing early release when appropriate. A total of 9,000 indigenous prisoners have been identified and 2,500 have been assisted in applications for early release during the last two years.

23. In this initial stage, attention has been focused on cases which can be handled speedily. Efforts have been made to define general criteria regarding legislation specifically dealing with indigenous problems and relevant principles. Attention has also been given to the criteria put forward by indigenous organizations and the definition of cases which can be handled as a group.

24. The Government is aware of the great importance to the indigenous communities of the better administration of justice and has initiated various programmes for their benefit conducted by the Federal Secretariat of the Interior and state and local governments. Support is also given by the National Human Rights Commission, INI and various other public and private organizations.

Aid in agrarian matters

25. The agrarian problems of the indigenous peoples have received and still receive priority attention. Many of the situations requiring attention in the field of the administration of justice originate in agrarian disputes.

26. There are approximately 2,000 recognized indigenous communities with title to 16 million hectares of land, constituting 8 per cent of the national territory. A very large but undetermined proportion of this area is in fact worked by the present indigenous communities. In addition a substantial area of common land is available to indigenous populations. Smallholdings, however, are the general rule, and in some cases plots are extremely tiny. The original allocations of land have been broken down into smaller holdings as a result of population growth since the agrarian land distribution. In other cases properties are protected by agrarian safeguards while land is also lost through rental and sharecropping arrangements. In some cases lands are the subject of dispute with individuals or with neighbouring communities.

27. In view of the complexities of the agregrian structure and the singularities of the problems involved, the Federal Government has implemented a series of measures in coordination with the various local governments and INI to facilitate the settlement of cases brought by the various communities.

28. In this connection, the agrarian reform has continued to progress with the consolidation of land distribution, the regularization of land tenure, the updating of the rights of the peasants and the organization of agrarian centres. In addition, peasant organizations have been strengthened to support them in their work and promote rural development. Land has been distributed through the established legal procedures and efforts have been made to identify land available for distribution.

Table 1

Land Distribution, 1989-1990

	1989	1990
Presidential decisions:		
Published	316	139
- Peasants benefiting	19 772	6 789
- Area handed over a/	315 959	168 180
Executed	380	606
- Heads of families benefiting	30 210	47 967
- Area handed over a/	561 574	1 527 776
Demarcation and declaration of national lands a/	428 168	278 555

Source: Department of Agrarian Reform.

a/ Hectares.

29. It is important to note that the execution of these presidential decisions allowed more than a million and a half hectares of land to be incorporated into basic agricultural production, more than 172 per cent of the area handed over in the previous year, through the initiation of a special technical and legal review programme of cases where presidential decisions were left pending because of obstacles of various kinds, thus freeing a backlog of 344 decisions by previous administrations.

30. The indigenous peoples of Mexico form an important and distinctive part of the country's peasant sector. At least 70 per cent of the Indian population make their living from primary activities closely connected with the land and its resources. Nearly all the Indians involved in primary activities are engaged in traditional diversified farming producing foodstuffs and other goods for their own use, although a proportion of their output also goes to the market for food products. Very often, traditional diversified agriculture is associated with the cultivation of certain commercial crops intended exclusively for the market. Of outstanding importance is the growing of coffee - the most important item among the country's agricultural exports. Two-thirds of the producers of coffee beans are indigenous persons and together they own one-third of the area planted and account for 30 per cent of national production. In addition to this fruit trees and other commercial crops are grown, some of the most important being plants which were domesticated in what today is Mexican territory, such as cocoa, vanilla, amaranth, prickly pear and maguey. Only a very few indigenous farmers concentrate exclusively on commercial farming.

31. The formal problems relating to the system of land tenure have an important effect on land use and development. The land ownership problems by which indigenous peoples are often affected can be analysed at two levels. The first relates to the absence of any regulations governing the indigenous community as a specific form of land ownership. In practice, this has been got round by assimilating communal ownership to ownership by the ejido. On

the other hand, the fact that the right of communities to define the use and distribution of their land has not been regulated means that it lacks formal recognition. This lack of precision makes the agrarian community an imperfect concept dependent essentially on the tradition, cohesiveness and solidarity of the indigenous communities themselves.

32. However, it is important to note that the issue and delivery of legal documents in proof of land tenure offers peasant farmers a degree of certainty and tranquility that encourages them to take part in production.

33. In 1990, a special programme was instituted to speed up the issue of certificates of title, accompanied by an increase in deeds of ownership, most of them made out to indigenous peasants. The regularization of settlements into ejidos and communities made it possible for 199,463 allotments to be formalized legally; 3,934 files of basic agrarian documentation were reinstated and delivered to 235,525 heads of families; and 6,825 investigations and census checks were carried out to verify the proper use of the allotments of 628,500 peasants. Authorization was renewed for 9,583 agricultural settlements and 52,505 sets of credentials were issued legitimizing them. The scheme to update the National Rural Survey Programme covered 10,589,155 hectares, 33.3 per cent more than in the previous year.

Table 2

Legal security of land tenure, 1989-1990

	1989	1990
Certificates of agrarian rights issued		
- Recognition of members of ejidos	119 074	113 770
- Recognition of members of communities	5 230	7 964
- Clear title to smallholdings	38 411	133 000
Regularization of national lands		
- Property titles issued	6 563	16 000
Regularization of settlements		
- Plots regularized and families benefiting	301 418	199 463
- Area (hectares)	22 606	19 087
- Plots in the process of being legally formalized	0	56 913
- Plots with obstacles to regularization	0	61 981

Source: Department of Agrarian Reform.

34. At another level, it must be recognized that there has been delay in implementing the existing regulations among the indigenous communities. The greatest hold-up is in the ejidos and indigenous communities, where the necessary documentation is frequently lacking. The complete elimination of this backlog is vital for the development of the indigenous areas of Mexico.

35. It is important for overcoming the lag in rural development that this should be done through reconciliation among the parties, as is in fact established by existing law. These measures of reconciliation, carried out by teams from the Department of Agrarian Reform, the National Institute for Indigenous Affairs (INI) and the State Governments, make it possible to integrate land problems and those of development with a view to finding overall solutions that respect the communities' wishes and with their active involvement. INI has concentrated its activities in five priority areas: the Sierra Tarahumara, the Cora Huichol zone, Oaxaca, the Purépecha Meseta and Huastecas. The approach taken has been to form land reconciliation teams, made up of staff from the Department of Agrarian Reform and INI, financed from the resources of the National Solidarity Programme. The procedure has been to bring the parties together to analyse the problem and then propose a reconciliation agreement which they subsequently sign. The implementation of the agreement is in the hands of the corresponding agrarian delegation, and subsequently of the Department of Agrarian Reform for continuation of the appropriate administrative procedures.

36. To date, reconcilation agreements have been signed in respect of 394,000 hectares and involving 74,000 indigenous peasants.

National Human Rights Commission (LNDH)

37. The Mexican Government recognized that a new mechanism was needed to defend human rights which would act independently and to which complainants could have direct access, thus bypassing bureaucratic procedures. This led to the establishment, by Presidential Decree of 6 June 1990, of the National Human Rights Commission which, in its capacity as ombudsman, is kept generally informed of violations of human rights, carries out those investigations which it regards as relevant, evaluates the evidence with care and issues the appropriate recommendations.

38. The regulations of the National Commission make provision for assistance to persons who cannot write or do not speak Spanish: "If the claimant cannot write, the Commission shall arrange for the help needed to enable him to document his complaint. It shall also where necessary provide translation services". In accordance with these provisions, the National Commission has published a translation of its regulations in Náhuatl for distribution among speakers of this language, who form the largest ethnic group in Mexico (Annex II).

39. The National Commission has issued recommendations 7/90, 17/90, 18/90, 30/90, 32/90, 8/91, 18/91, 19/91, 20/91 and 21/91 relating specifically to cases involving indigenous persons on which it has given an opinion.

40. Recommendation No. 70/90 referred to the case of two youths, Apolinar Moreno Mena and Florentino Chávez Miranda, held in detention at the Chihuahua Centre for Social Rehabilitation, who were apparently minors and had difficulty understanding Spanish because of their ethnic origin. It was recommended that they should be medically examined in order to determine their age and that, based on the result, the procedure should be continued or modified, and also that an interpreter should be appointed to help them with the formalities.

41. Recommendation No. 17/90 referred to the cases of Gregorio Tolentino Arellano and Encarnación Hernández Hernández whose criminal proceedings had exceeded the statutory time-limit for sentencing. The recommendation was that the proceedings should be speeded up and sentence given as soon as possible.

42. Recommendation No. 18/90, regarding the similar case of Virgilio Martínez López, was to the same effect as recommendation 17/90.

43. Recommendation No. 30/90 referred to human rights violations affecting the Nahua indigenous persons of the communities of Embocadero and San Gregorio in the municipality of Ilamatlán, Veracruz. Incidents of unlawful detention, the improper exercise of public powers, the execution of arrest warrants and various acts of harrassment affecting the people of the settlements led to the recommendation that an exhaustive enquiry should be made into the events, defining the responsibilities of the public servants taking part in them, and dismissing or holding for trial those who had not duly fulfilled their responsibilities; that arrest warrants should be put into effect against offenders inciting violence in the region; and that action should be taken to waive criminal proceedings against those indigenous persons being tried who were obviously innocent.

44. Recommendation No. 32/90 referred to the case of two citizens of Zapotec origin, Felix and Isidro Garcia Enriquez, against whom criminal proceedings had been brought in 1988 without any sentence having been given to date. The Department of the Public Prosecutor was recommended to state its conclusions immediately and the Judge in the case advised to give sentence as soon as possible.

45. Recommendation No. 8/91 referred to the cases of Gerardo Huasca Martínez and Arcadio Ortíz, where again the criminal proceedings had exceeded the statutory time-limit for sentencing. The recommendation was that the proceedings should be speeded up and sentence given as soon as possible.

46. Recommendation No. 18/91, regarding the cases of three citizens of Indian origin, Luciano Avendaño Hinojosa, Sergio Ramírez Luna and Eugenio Hernández Laguna; recommendation No. 19/91, regarding the cases of Teófilo Hernández Santos and Margarito Osorio Santiago; recommendation No. 20/91, regarding the cases of Luis Osorio Pérez, Antonio Gijón García and Angel Gijón García; and recommendation No. 21/91, regarding the cases of Marcial Nolasco Martínez and Alberto Vázquez Beltrán, all deal essentially with the same situation as in recommendation No. 8/91, in which criminal proceedings had extended beyond the statutory time-limit for sentencing. All recommended that the proceedings should be speeded up and sentence given as soon as possible.

Local bodies for the defence of indigenous peoples

47. Governmental policy at the State level also regards proper protection for the rights of the Indians as a matter of priority.

48. The government of the State of Oaxaca, which has more than one and a half million inhabitants belonging to various ethnic groups, most of them recognized at the national level, crowned its legislative endeavours in defence of their rights with the establishment, through a decree published in

the Periódico Oficial of 26 September 1986, of the Agency for the Defence of Indigenous Rights (Procuraduriá para la Defensa del Indigena), a body to be responsible for safeguarding, promoting and supervising the effective administration of justice in indigenous matters, as part of an ongoing effort to prevent and, if necessary, punish any violation of ethnic minority rights.

49. The government of the State of Guerrero - another State with a large indigenous population - aware of the similar problems facing the indigenous communities, established a Social Agency for the Highlands (Procuraduriá Social de la Montaña), by a decree of 29 April 1987, with a view to promoting the overall development of the State's indigenous population, its legal protection and full productive capacity.

50. To date, bodies of this nature have been established in several of the Mexican States with sizeable indigenous populations. They include:

(a) the Citizens' Action Office (Procuraduriá de Accion Ciudadana) of the State of Aguascalientes, established in 1988;

(b) The Human Rights Commission of the State of Morelos, established in 1989;

(c) The Social Agency (Procuraduria Social) of the Department of the Federal District, established in 1989.

These bodies, together with a large number of subordinate institutions at the three levels of the Federation, work together within a framework protecting and enhancing the rights of minorities at the national level.

Article 3

51. In keeping with its principles in regard to foreign policy, the Government of Mexico has maintained a firm and unequivocal policy against apartheid.

52. As noted in its sixth periodic report, Mexico has ratified various international legal instruments adopted by the United Nations for the elimination of racial discrimination. In this connection, on 5 November 1986 the Mexican Government submitted its report on the implementation of the International Convention on the Suppression and Punishment of the Crime of Apartheid; similarly, in 1989 and 1991, Mexico was a member of the Group of Three of the Commission on Human Rights charged with reviewing the reports submitted by States parties under article VII of that international instrument.

53. On 18 June 1987, Mexico ratified the International Convention against Apartheid in Sports and it has been a member since 2 March 1989 of the Commission against Apartheid in Sports set up in accordance with article 11 (1) of the Convention.

54. The Mexican Government has condemned the regime of racial discrimination in South Africa in various international forums and has supported all the measures put forward by the international community for its eradication.

55. Mexico has supported a number of United Nations initiatives for eliminating racial discrimination and has encouraged in particular the activities included in the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination.

56. In this context, Mexican experts have participated in international seminars organized under the Programme of Action for the Second Decade.

57. As a member of the Commission on Human Rights, Mexico has supported the Commission's resolutions condemning racial discrimination. Similarly, it has co-sponsored resolutions relating to the implementation of the Second Decade and has supported resolutions adopted by the General Assembly and the Security Council condemning the apartheid system.

58. At the special session of the General Assembly on apartheid, held in December 1989, the Mexican Government supported the Declaration on Apartheid and its Destructive Consequences in Southern Africa, drawing attention to the need for the complete elimination of the system of racial segregation, and stated its conviction that "only through the imposition of wide-ranging and mandatory sanctions will the necessary steps be taken to eliminate apartheid". In conformity with Chapter VII of the Charter of the United Nations and in accordance with the pertinent resolutions adopted by the General Assembly, the Mexican Government has voted in favour of imposing sanctions on the Pretoria regime.

59. Mexico maintains neither diplomatic nor consular relations with South Africa and all cultural, educational, sporting or other types of interchange have been suspended. Similarly, in accordance with the various resolutions adopted by the United Nations, safeguards have been established to avoid authorizing any type of financial link with South Africa and trade in goods originating in, coming from or sent to South Africa through third countries has been prohibited.

60. To that end, on 30 October 1987 the Mexican Government issued an order prohibiting the import or export of goods originating in or coming from South Africa or intended for that country.

61. Mexico has also complied fully with the provisions of Security Council resolution 418 (1977) on the arms embargo and has declared its belief that there should be a total embargo on nuclear cooperation with that country.

62. In response to the various resolutions adopted by the General Assembly in this connection, the Mexican Government has endorsed the oil embargo on South Africa. To that end, all contracts for the purchase or sale of crude oil concluded by Petróleos Mexicanos (PEMEX) provide that hydrocarbons shall be sold only to end-users, thus preventing the resale or diversion of Mexican oil. Also, PEMEX regularly informs its clients that any operation of that kind must exclude South Africa, and warns that failure to comply with that condition will be grounds for terminating the contract in question.

Article 4

63. The observance of individual and collective guarantees enshrined in the Constitution depends on improvements of the system of justice. Public safety is enhanced by the rule of law and in practice is reflected in the permanent preservation of rights to ensure the protection of individuals, their freedom and their property.

64. In 1987, a number of amendments to the Constitution were adopted in order to progress towards the ideal of an impartially administered justice to guarantee subjects of law equality before the law without leaving conflicts or issues undefined or lacking a clear solution.

65. These include, in particular, the amendment to article 17, requiring that justice be dispensed not only rapidly and free of charge, as already stipulated by law, but also fully and impartially thus making possible better and more effective dispensation of justice.

66. In response to the observations made by the Committee on the sixth periodic report submitted by the Government of Mexico, regarding the provisions whereby any manifestation of racism or racial discrimination is declared illegal, the following remarks are in order.

67. The Government of Mexico does not share the Committee's opinion that Mexican legislation contains no specific provisions to prevent all forms of racial discrimination.

68. Individual guarantees are contained in the first 29 articles of the Mexican Constitution, which establishes legal protection and the equality of all before the law, as well as the right to those same guarantees, which extend by law, to all persons. Article 1 of the Constitution stipulates as follows:

> "Article 1: Every person in the United Mexican States shall enjoy the guarantees granted by the Constitution, which cannot be restricted or suspended except in such cases and under such conditions as are herein provided."

69. As may be observed, article 1 stipulates that "every person ... shall enjoy the guarantees ...", which means that every person, regardless of age, sex, nationality, race or political opinion, present on Mexican territory shall, by the mere fact of being there enjoy the guarantees laid down in the Constitution. Moreover, article 4 of the Constitution establishes equality of men and women before the law, while article 12 stipulates that no titles of nobility or hereditary prerogatives or honours shall be granted in Mexico.

70. Furthermore, article 13 of the Constitution provides that "no one may be tried according to private laws or by special tribunals ..."; article 14, second paragraph states that "no person shall be deprived of life, liberty, property, possessions or rights without a trial by a duly created court in which the essential formalities of procedure are observed, and in accordance

with laws issued prior to the act." Article 16, first paragraph establishes that "no one shall be deprived of his possessions or rights, except by virtue of a written order of the competent authority stating the legal grounds and the justification for the procedure", while article 17, second paragraph also provides that "every person has the right to be administered justice by the courts, which shall dispense it expeditiously within the time-limits and on the terms set by law, and render their decisions in a prompt, complete and impartial manner ...".

71. Thus, in Mexico equality is not enunciated in respect of men, but derives from law which regulates their rights and relations, and from the interpretation and application of such law by the courts; this constitutes a guarantee of legal order which allows legality to be enjoyed equally by all.

72. The foregoing clearly demonstrates that in Mexico all persons under state jurisdiction are entitled to the same rights and there is no special or distinct treatment for any of them. Regardless of their race, sex, nationality, age or political or religious opinion, the rights and freedoms contained in the Constitution and in the international human rights conventions to which Mexico is a party are complied with at all times.

73. In addition, protection and enjoyment of those rights is guaranteed by means of amparo proceedings, on the basis of articles 103 and 107 of the Constitution. This legal procedure covers those cases in which any individual guarantee is breached, and allows the victim to seek redress for the injury caused.

74. It should be added that, in order to increase the scope and effectiveness of amparo proceedings in protecting both indigenous persons, peasants and workers, provision is made in such cases for the federal judges to act as surrogates in filing agrarian and industrial amparo applications; i.e. the judicial authorities themselves may supplement the pleadings in defence of these groups.

75. Simultaneously, article 364, paragraph II of the Federal Penal Code stipulates as follows:

> "Article 364. A penalty of one to three years' imprisonment and the corresponding fine shall be imposed on:
>
> ...
>
> II. Anyone who in any way violates, to the detriment of others, the individual rights and guarantees established by the Constitution of the Republic."

76. As may be observed, Mexico's Constitution establishes the right to the guarantees it extends to all persons; the amparo procedure guarantees enjoyment of those safeguards and the Penal Code punishes any infringement.

77. Lastly, it is extremely important for the Committee to note that article 133 of the Constitution stipulates that international treaties are the supreme law of the Union; accordingly, through incorporation into national legislation, the Convention directly constitutes the applicable law and may serve as the basis and grounds for any legal action.

78. It is clear from the above that there are sufficient legal instruments to punish, as unlawful, any manifestation of racism or racial discrimination in Mexico.

Article 5

79. In Mexico, the individual and collective guarantees contained in the Constitution are exercised without any restrictions other than those laid down by law to maintain public order and the rights of third parties. Life, physical integrity, property, beliefs, opinions and, freedom of association, expression and political activism are among the values which the Government of Mexico respects and protects, and whose full exercise it guarantees.

80. In a country with over 81 million inhabitants, it is impossible to reduce development targets to the immediate satisfaction of material needs. Growth is not an end in itself. Development must be sustained by the possibility of progressing simultaneously towards economic, social and political objectives. The fundamental objective of the policy of structural change in the economy is to ensure social welfare and combat extreme poverty.

Table 3

Mexico's population at different periods

Year	Population	Source	
1895	12 362 427	I	General Population Census
1900	13 607 272	II	" " "
1910	15 160 369	III	" " "
1921	14 334 780	IV	" " "
1930	16 552 722	V	" " "
1940	19 653 552	VI	" " "
1950	25 791 017	VII	" " "
1960	34 923 129	VIII	" " "
1970	48 225 238	IX	" " "
1980	66 846 833	X	" " "
1990	81 140 922	XI	" " "

Table 4

United Mexican States: total population and population of each sex by State, 1990

State	Population		
Name	Total	Men	Women
United Mexican States	81 140 922	39 878 536	41 262 386
Aguascalientes	719 650	350 732	368 918
Baja California	1 657 927	832 123	825 804
Baja California Sur	317 326	161 784	155 542
Campeche	528 824	265 902	262 922
Coahuila	1 971 344	979 522	991 822
Colima	424 656	210 318	214 338
Chiapas	3 203 915	1 602 409	1 601 506
Chihuahua	2 439 954	1 214 005	1 225 949
Distrito Federal	8 236 960	3 942 498	4 294 462
Durango	1 352 156	667 000	685 156
Guanajuato	3 980 204	1 928 191	2 052 013
Guerrero	2 622 067	1 284 763	1 337 304
Hidalgo	1 880 632	926 763	953 869
Jalisco	5 278 987	2 556 637	2 722 350
Mexico	9 815 901	4 838 738	4 977 163
Michoacán	3 534 042	1 708 424	1 825 618
Morelos	1 195 381	584 954	610 427
Nayarit	816 112	407 369	408 743
Nuevo León	3 086 466	1 537 997	1 548 469
Oaxaca	3 021 513	1 480 050	1 541 463
Puebla	4 118 059	2 005 977	2 112 082
Querétaro	1 044 227	513 257	530 970
Quintana Roo	493 605	255 476	238 129
San Luis Potosí	2 001 966	987 588	1 014 378
Sinaloa	2 210 766	1 106 532	1 104 234
Sonora	1 822 247	915 585	906 662
Tabasco	1 501 183	750 305	750 878
Tamaulipas	2 244 208	1 112 105	1 132 103
Tlaxcala	763 683	376 242	387 441
Veracruz	6 215 142	3 075 679	3 139 463
Yucatán	1 363 540	674 187	689 353
Zacatecas	1 278 279	625 424	652 855

Source: National Institute of Statistics, Geography and Data Processing; data from the XIth National Population Census.

Table 5

Total urban and rural population by sex, area and density

	1980	1990
Total population	66 846 833	81 140 922
Men	33 039 307	39 878 536
Women	33 807 526	41 262 386
Urban population	44 299 729	n/a
Men	21 576 749	n/a
Women	22 722 980	n/a
Rural population	22 547 104	n/a
Men	11 462 558	n/a
Women	11 084 546	n/a
Surface (km^2)	1 958 201	1 958 201
Density	34.14	41.25

Source: XIth General Population Census

n/a = not available

81. It is with these considerations in mind that the Government of Mexico has implemented the National Agreement for Economic Recovery, based on the assumption that it is essential to ensure favourable macroeconomic conditions for the permanent expansion of the level of employment in order to develop the productive potential of Mexico's inhabitants, by strengthening social policy and seeking to raise the standard of living and well-being of the majority of the population and in particular to improve the lot of the underprivileged within a free and democratic society.

82. The National Development Plan gives priority to social spending in the allocation of public expenditure. The objective of underpinning a process of sustained and lasting growth responds to the pressing needs of the struggle against extreme poverty. Mexico's response has crystallized in the National Solidarity Programme (PRONASOL), which relies on action undertaken by the communities themselves and by groups within society to improve their standard of living.

83. The National Solidarity Programme follows three main axes: attending to welfare needs, encouragement of productive activities and overcoming the shortcomings of public services. Accordingly, the Programme includes activities in the spheres of health and education, urban services, food and supply, construction and improvement of rural and urban housing and environmental protection.

84. The National Solidarity Programme combines the efforts of the three levels of government and efforts agreed upon with various groups within society. Activities under the Programme are implemented immediately and will make it possible gradually to improve the lot and increase the productive capacity of deprived groups.

85. In order to achieve the objectives of PRONASOL, the Federal Government has redirected expenditure intended for regional development. The funds thus assigned supplement those provided by the State and municipal Governments, and contributions from the beneficiaries themselves.

86. In order to implement the National Solidarity Programme, the Federal Government and the State and municipal Governments have provided total funds of 2,546,000,000,000 pesos, of which 1,713,000,000,000 were allocated by the Federal Government and 833,000,000,000 by the local Governments.

Table 6

Authorized investment by item of expenditure, 1989 a/
(millions of pesos)

Infrastructure	
Social	1 422 200
Services	783 753
Productive	339 817
Total	2 545 770

Source: Secretariat of Planning and Budget.

a/ Includes federal and State funds.

87. The National Solidarity Programme is more than a government programme and is designed to induce large sectors of the population become involved in their own development. Dialogue and coordination with the communities themselves and with social organizations are the basis for defining PRONASOL's activities and the means of implementing them, so that each sector of the population selects and participates in tasks that are designed for its own benefit, the objective being effective use of human, material and financial resources.

88. PRONASOL's action focuses primarily on indigenous villages, peasants with scant resources and the inhabitants of low-income districts in towns. The main items are food, land ownership, housing, access to justice, making available and improving educational opportunities, health, electrification, drinking water, agricultural infrastructure and conservation of natural resources: the programme also operates through productive projects involving recoverable investment.

89. The National Solidarity Programme's fundamental objective is to combat extreme poverty among those social groups that have borne the brunt of the economic crisis of recent years. The distinctive characteristic of the solidarity programmes is the organized participation of society at large to carry out works and activities in conjunction with the Federal Government and with State and municipal Governments. PRONASOL relies on the direct participation of social groups and communities in designing its programmes of work and ensures that resources are channelled towards meeting genuine demand.

90. The Sole Development Agreement is the public-sector planning instrument through which the three levels of government are coordinated to ensure the coherence and effectiveness of PRONASOL's activities.

91. During 1989 and 1990 coordination agreements were signed on behalf of indigenous communities living in arid zones and populations living in the country's rural and urban areas. On this basis, in 1989 PRONASOL supported the implementation of more than 44,000 works in all the Federation's States as a form of direct and immediate support for the productive activity of large numbers of Mexicans.

92. As regards water supply, drinking water systems have been installed in various States of the Republic.

93. On account of the ancestral problems that still determine their current situation, indigenous areas have benefited most. Coordination with ethnic groups has sought to ensure respect for their forms of organization and their specific cultural diversity. The "Lluvia, Tequio y Alimentos" programme (rain, work and food) in the Mixtec region is an outstanding example of this strategy through which food subsidies for indigenous youth and children were increased. In the health sphere, 2 million indigenous people and peasants have benefited from the construction and equipping of 772 rural medical units and health centres and the completion of various extension and rehabilitation projects for the existing infrastructure.

94. All indigenous areas have received attention. However, of particular note are the programmes agreed upon with the Tarahumara, Lacandon, Chinantec, Mixtec, Cora, Huichol, Tepehuan and Yaqui communities and those implemented in the States of Oaxaca, Chiapas, Guerrero, Puebla, Hidalgo, Chihuahua, Nayarit and Campeche where the majority of the country's indigenous population lives. In addition, some 2,000 rural communities and 300 low-income districts were electrified, thus making it possible to improve living conditions in those areas and to stimulate the development of the peasant economy. The Credit for Solidarity Programme was initiated in support of productive activity, as was the Ixtlera Candelillera region programme covering the desert and semi-desert regions in the States of San Luis Potosí Tamaulipas, Coahuila, Durango, Zacetecas and Chihuahua.

95. In this sphere, the Tehuantepec isthmus and Oaxaca coast programmes have contributed to the productive development of the available resources in those regions. Particularly noteworthy are the completion of the sump for the

Comitancillo project and the El Reparo irrigated zone, the construction and lining of canals and of a well to serve 280 hectares and the construction of the canal, diversion dam and irrigated area of the Flores Magón project in the municipality of Santiago Jamiltepec.

Table 7

Activities supported through the regional programmes, 1990
(Number of works)

Item	Nueva Laguna	Oaxaca coast and Tehuantepec isthmus
Highways infrastructure	21	86
Urban development	128	302
Drinking water	43	32
Housing	104	195
Health infrastructure	39	19
Electrification	47	1
Education and decent schools	136	20
Drainage and waste water treatment	10	32
Industrial plant	1	-
Culture and sport	51	-
Supply and marketing	20	26
Fisheries infrastructure	15	-
Development of irrigated areas	22	149
Municipal Solidarity Funds	219	-
Solidarity Funds for Production	-	249
Other works	81	19

Source: Secretariat of Planning and Budget.

96. Large numbers of Mexicans who have emigrated in search of better opportunities to improve their standard of living live in low-income urban areas. This process of migration has been so rapid that its scale has exceeded the financial capacity of Governments to provide all areas with basic urban services. Of the activities undertaken, particularly noteworthy is the regularization of urban plots, through which it has been possible to provide secure legal status in respect of their plots to more than 255,000 families living in low-income districts in Guadalajara, Monterrey, Monclova, Torreón, Lerdo, Gómez-Palacio, Mérida, Tuxtla-Gutiérrez, Tapachula, San Luis Potosí, Aguascalientes, León, Irapuato, Celaya, Hermosillo, Tijuana, Mexicali, La Paz, Durango and the Metropolitan Area of Mexico City. Particular mention should be made of the programme for the urban areas of Chalco and Chimalhuacán, in the State of Mexico, with more than 1 million inhabitants, where electrification work has been carried out for the benefit of 60,000 families in 20 districts located in the Valle de Chalco area.

97. The Programme for the Integration of Women into Development has allocated resources for 1,302 specific projects involving women in Mexico's poorest communities.

98. Special attention should be drawn to the Programme of Solidarity with Migrants, coordinated by the Ministry of the Interior, which has organized the efforts of various ministries to help Mexicans returning to their country by acquainting them with their rights and informing them of the institutions through which they may assert them.

99. In the first year of PRONASOL's operation, the focus was on activities in which State intervention is most effective as a means of improving the well-being of the underprivileged, generating productive employment and meeting the needs of the most socially backward regions and states.

100. Infrastructure construction programmes for social welfare constitute the bulk of the activities carried out by PRONASOL. In the area of health, the activities and projects carried out have made it possible to increase coverage, principally among the indigenous and peasant population; 73 hospitals and 1,029 health centres have been built. The Ministry of Health has also set up the training programmes for community health auxiliaries in order to improve the level of care. The institution responsible for integrated family development (DIF) set up the programme for the integrated development of adolescents to cater for young people aged between 12 and 19 in the States of Oaxaca, Sonora and Tabasco.

101. In order to improve the coverage and quality of education services in rural and urban areas, PRONASOL has allocated resources to build, rehabilitate and maintain more than 10,000 educational establishments, 400 schools and 87 sports facilities, and 81,000 higher education students have been enlisted to perform social service, while cultural and sporting activities have been promoted throughout the country. The Ministry of Education, through the National Council for the Promotion of Education, has provided pre-school and primary education in 7,750 communities and grants have been awarded to more than 10,000 children and young people in scattered or isolated communities or who wished to continue their primary and secondary studies. The National Institute for Indigenous Affairs has provided assistance to more than 63,200 children in indigenous communities.

102. Storage and distribution units have been set up to provide comprehensive services as a contribution to establishing closer and more efficient links between supply and demand among producers and stimulating productivity and rural employment. Since 1989, Leche Industrializada Conasupo (LICONSA), has supplied extremely poor rural communities with powdered milk and has expanded the national dairy network, with the installation of 212 dairies in low-income communities and districts, thereby improving nutrition for children and pregnant and nursing mothers.

103. The electricity supply has been extended to some 2,000 peasant communities and 300 low-income districts. As a means of encouraging action in the sphere of rural and low-income housing, grass-roots participation has been promoted through self-build schemes. Measures to improve and build 9,369 dwellings have been implemented as a means of reducing the housing deficit. In addition, the Ministry of Urban Development and Ecology has carried out various measures in support of the most exposed rural and indigenous zones.

104. Programmes in the sphere of services infrastructure support the implementation of projects to permit access by the population to communications and to the supply and marketing of basic products. In rural areas, preference has been given to the maintenance, repair and widening of country roads.

105. Infrastructure construction projects have had a rapid impact on production and employment, and in areas where the level of production has declined considerably.

106. Noteworthy among the activities to have received support is the construction and rehabilitation of the irrigation infrastructure, in particular small-scale irrigation, involving works carried out in the States of Oaxaca, Guanajuato, Puebla and Querétaro. In addition, the opening up of new cultivated areas is of key importance in production. The Development Programme for Rain Fed Areas includes clearing, the removal of stones and the levelling of land to bring approximately 7,000 hectares into production. In response to claims from peasants and indigenous communities in respect of land ownership problems, the Ministry of Agrarian Reform has drawn up the Comprehensive Agrarian Programmes, through which 1,277 comprehensive investigations into smallholding usufruct have been carried out, 147 boundary retracing works completed, 803 basic and higher-level agrarian organization activities carried out and 34 ejido unions set up. In the sphere of agro-industrial production and processing, the resources channelled into the construction of a milk-rehydrating plant in Guerrero and into coffee-processing factories were particularly noteworthy.

107. Fisheries have been developed in traditionally low-income agricultural and fishing areas with a view to transforming fishing into a source of employment, income and food. Encouragement has been given to the development of coastal fishing for various species of crustaceans, molluscs, dogfish and algae as well as fish-farming to breed species for mass consumption such as gerridae and carp.

108. Refrigerated warehouses and delivery centres have been built in various states of the Republic in order to encourage marketing and the development of fishing communities.

Table 8

Main activities implemented in support of the National Development Plan, 1989
(Millions of pesos)

Item	Approved budget, 1989		
	Total	Federal	State
Promotion of primary and agroindustrial production	106 806	80 518	26 288
Worker education and training	494 755	367 269	127 486
Collection and marketing of basic goods	66 002	51 897	14 105
Urban development	163 902	96 982	66 920
Housing	39 044	23 568	15 476
Health, social security and welfare	206 100	151 581	54 519
Channelling financial resources	22 901	21 367	1 534
Politics and government	154 462	89 641	64 781
Development of irrigated areas	92 525	53 341	39 184
Drinking water	221 435	132 789	88 646
Country roads and highways	105 037	61 954	43 083
Electrification	150 693	95 819	54 874
Rail transport	31 500	31 500	---
Other	201 953	137 908	64 045
Total	2 545 770	1 712 841	832 929

Source: Secretariat of Planning and Budget.

109. In 1989, 6,295 works were carried out to deal with the most pressing needs of Mexico's central-western region (La Laguna) within the framework of the Regional Development Programmes and the National Solidarity Programme.

Table 9

Approved investment by type of project, 1989 a/
(Millions of pesos)

Type of project	Investment	No. of works
Irrigated areas	4 584.0	99
Drinking water	14 646.6	125
Areas of rain-fed cultivation	288.2	11
Fisheries infrastructure	2 134.5	107
Agroindustry	1 904.4	4
Sanitary landfill	150.0	1
Drainage	9 175.4	75
Electrification	3 246.2	76
Country roads	5 934.8	44
Urban development	11 730.2	278
Marketing	738.9	12
Housing	6 901.2	5 027
Education	4 404.9	123
Health	2 470.4	50
Rural stores	1 064.4	238
Culture and sport	381.7	24
Rehabilitation centres	2 335.0	1
Total	72 090.8	6 295

Source: Secretariat of Planning and Budget

a/ Includes Federal, State and municipal funds and loans.

110. The environment has also featured prominently in the activities of the National Solidarity Programme. In urban areas, the La Presa de Osorio Ecology Park was built in Guadalajara and the third oxydation pond in the upper basin of the Lerma River, the treatment plants in Acapulco, Mérida and Apizaco were completed, and the Hondo River in Naucalpan was dredged.

Article 6

111. In response to the concerns expressed by members of the Committee regarding legislative, judicial or any other measures to assure to everyone within the jurisdiction of States Parties effective protection and remedies,

through the competent national tribunals and other State institutions, against any acts which violate his human rights and fundamental freedoms, attention is drawn to the institutions that exist in Mexico for preventing, or punishing if need be, such violations.

Amparo proceedings (enforcement of constitutional rights)

112. Action for amparo, which is the main procedure in the Mexican legal system and is regulated by articles 103 and 107 of the Constitution, grants to all inhabitants of the Mexican Republic the protection of the guarantees established by the Political Constitution.

113. The following are the governing principles on which amparo proceedings are based:

(a) Proceedings for unconstitutional acts are instituted by suit of the party concerned;

(b) The injured party shall be a private individual;

(c) Proceedings are confined to resolving specific cases, and no general statements are entered upon with regard to the law or act giving rise to the complaint.

114. An action for amparo is the main remedy available under the Mexican Constitution to all persons present in the national territory. It acts as a safeguard of legality as well as functioning as a remedy to protect constitutionality.

115. The great majority of applications for amparo that come before the federal courts each day arise from shortcomings in the application of laws. In such cases, any person subjected to violation of any of his constitutional guarantees may have recourse to amparo proceedings for restitution of the enjoyment of the exercise of the violated right.

116. It must also be emphasized that, in agrarian and labour matters, there is the complementary procedure which means, in cases where an application for amparo does not meet legal requirements, that the rectifications are made by the appropriate judicial authority, as explained in connection with article 4.

The National Human Rights Commission

117. The establishment of the National Human Rights Commission (CNDH), by Presidential Decree on 6 June 1990, reflects the profound concern of the Mexican Government to achieve and guarantee the effective protection and defence of human rights. The Commission is an offshoot of the Department of the Interior and comprises: a Chairman, a Board, a Technical Secretary of the Board, an Executive Secretary, and an Inspector.

118. It should be noted that the Board of the National Commission is composed of 10 prominent citizens, i.e. the civil community constitutes and forms part of the body that lays down the guidelines governing the activities of the Commission proper. Consequently, the defence and protection of human rights by the Commission are not left exclusively in the hands of civil servants, but are also the concern of persons whose functions in the Commission are honorary, and who are responsible only to themselves for their actions - an arrangement that confers independence upon the Commission proper.

119. Under article 3 of its rules of procedure, the Commission is competent to act in the following cases:

(a) Administrative violations, defects of procedure and offences prejudicial to an individual or a group, committed by some public authority or civil servant;

(b) Administrative violations, defects of procedure, and offences prejudicial to an individual or group, committed by other social agents whose impunity results from consent or conivance on the part of some public authority or civil servant;

(c) In the cases mentioned in the above subsections, where negligence is attributable to some public authority or civil servant.

120. Up to 3 December of the year of its establishment, a total of 1,343 complaints had been submitted to the Commission, including 205 dossiers transmitted by the former Directorate-General of Human Rights of the Department of the Interior.

Complaints settled	397
Complaints in which it has not been possible to make an indictment due to insufficient information	200
Complaints pending	746
Total	1 343

121. In accordance with the Commission's rules of procedure, the complaints presented were classified as follows:

1.	Complaints allegedly involving violations of human rights	841
2.	Complaints outside the competence of the CNDH	302
3.	Complaints in which it has not been possible to make an indictment due to insufficient information	200

122. Up to 3 December 1990, 403 complaints considered can be grouped under the following headings according to manner of disposal:

1.	Settlement in the course of proceedings by provision of guidance to the complainant	204
2.	Incompetence of the Commission without possibility of provision of guidance	146
3.	Withdrawal of complaint by the complainant	9
4.	Lack of interest on the part of the complainant in continuing proceedings	6
5.	Recommendations drawn from 27 cases of complaint	33
6.	Declaration of non-responsibility	5

123. Out of the total number of complaints presented, 827 related to individuals and 516 to groups. Taking into account the cases previously described, 548 persons were dealt with and given advice, guidance and legal aid.

124. It will be obvious that the National Human Rights Commission is not a judiciary, a prosecutor's office, a police force or a supertribunal or superauthority, but rather an ombudsman that receives complaints, asks the authority deemed to have violated the human right for a report, carries out an investigation, conscientiously weighs the evidence, and makes a recommendation - neither more nor less than that, for, if the body had coercive powers it would not be functioning as an ombudsman but as one of the bodies that it is specifically stated not to be.

125. It should also be pointed out that, in its Chapter 4 (articles 108 to 114) the Political Constitution lays down the responsibility incurred by public servants who violate any of the guarantees enshrined in the Constitution itself or in the corresponding codes of laws. This responsibility is regulated by the Federal Law on the Responsibilities of Public Servants for the purpose of ensuring, legality, integrity, loyalty, impartiality and efficiency in the performance of their duties. The penalties applicable to acts or omissions on their part - without prejudice to any sanction that might be incurred for penal offences - cover suspension, dismissal or disqualification, and the imposition of fines, as appropriate.

126. There is also a body known as the Federal Consumers Protection Agency, whose duties include the reporting to the Office of the Public Prosecutor of matters coming to its knowledge that may constitute an offence. In this context, article 54 of the Federal Law on Consumer Protection lays down that:

"It is strictly forbidden that any direct action should be perpetrated, in any commercial or service establishment, against the freedom, security and personal integrity of members of the public, or any kind of investigation or personal search be carried out, or, in general, any acts offensive to dignity or modesty committed. Infringements of this regulation shall be punished as provided for in the relevant laws, independently of any compensation for moral damage or indemnification for losses or injury sustained".

Article 7

127. In its previous reports to the Committee a detailed account has been provided by the Government of Mexico of the standards in force in the national education system, and of educational policies and programmes for promoting culture and friendship among nations and various racial and ethnic groups. Furthermore, the Modernization Programme for Indigenous Education is based on the guidelines set forth in the National Development Plan 1989-1994.

128. According to census figures, 9 per cent of Mexicans speak an indigenous language, and this is the point of departure for the Programme which aims to bring the standard of indigenous education into line with national development. (Annex III).

129. Accordingly, the attitude of the Government of Mexico has been to regard education as a lever to raise up a productive and efficient structure underpinned by scientific and technological knowledge.

130. To this end, the modernization of indigenous education is regarded by the Government as a social priority; for a modern Mexico can only be conceived as a society directing its energies towards the achievement of a stronger, freer and more unified nation through which our identity, historical aspirations, and our determination to consolidate national sovereignty can be reaffirmed.

131. Indigenous bilingual-bicultural education, as an educational model, in harmony with the requirements of national modernization and changes in the contemporary world, consists of combining tradition and change, pluralism and identity, universality and relevance, humanism and technical knowledge, quality and equity in teaching, and individual and collective interests.

132. The modernization of indigenous education, as embodied in the 1989-1994 Programme, lays down the following objectives:

(a) To reaffirm the educational plan stated in the Political Constitution, and to reinforce it in response to the new opportunies and circumstances of present-day society;

(b) To extend and diversify indigenous education services;

(c) To preserve and improve educational quality;

(d) To integrate the educational process harmoniously into the economic development of the country by means of activities associated with the productive system;

(e) To restructure the organization and functioning of indigenous education services in accordance with the requirements of ethnic groups and the modernization process of the National Educational System;

(f) To support the process of educational decentralization in accordance with criteria appropriate to each case;

(g) To reinforce community participation by creating mechanisms and instruments to promote a more effective contribution to the educational function.

133. The above-mentioned objectives provide a framework for carrying out interrelated activities designed to enable the indigenous population participating in the national educational system to take as their guiding principle the linking of training and culture as a single priority.

134. To this end, bilingual primary education is one of the most important components in the structure of the national educational system. Twelve years after the establishment of the Directorate-General for Indigenous Education (under the aegis of the Department of Public Education) the growing response to the demand for greater educational facilities for indigenous groups marks a major advance in the democratization of education in Mexico.

135. Even if the available resources are insufficient fully to satisfy educational demand, the effort to consolidate bilingual-bicultural education is finding its tangible expression in the services provided for 46 indigenous groups in 23 States of the Republic.

136. School hostels provide assistance services and are located near full-time schools, to provide help for children from scattered and remote communities.

137. There are at present 1,186 school hostels, providing care for 59,552 children. There are also 30 social integration centres looking after 4,810 schoolchildren over 14 years of age, in addition to primary education and training in various trades who receive board and lodging.

138. Women play an outstanding role in educational programmes targeted at indigenous communities; education and training centres for indigenous women have increased considerably during the period 1983-1989. At the present time, the service is provided at 287 centres, for 15,378 women, compared to 5,785 in 1983. The spread of this service reflects the extent to which it has been accepted as an alternative for the progress of women and their families through educational and work training programmes.

Table 10

Ethnic groups in receipt of services of a federal institution

State	Language(s)
Oaxaca	Amuzgo - Chuicateco - Chatino - Chinanteco - Chocho - Chontal - Huave - Ixcateco - Mazateco - Mixe - Mixteco - Nahuatl - Triqui - Tzotzil - Zapoteco - Zoque.
Puebla	Mazateco - Mixteco - Nahuatl - Otomí - Popoloca - Totonaco
Querétaro	Otomí
Quintana Roo	Maya
San Luis Potosí	Huasteco - Nahuatl - Pame
Sinaloa	Mayo
Sonora	Guarijio - Mayo - Papago - Pima - Seri - Yaqui
Tabasco	Chol - Chontal
Tlaxcala	Nahuatl - Otomí
Veracruz	Chinanteco - Huasteco - Mazateco - Mixe - Mixteco - Nahuatl -Otomí - Popoluca - Tepehua - Totonaco - Zapoteco - Zoque
Yucatán	Maya
Baja California	Cochimi - Kumiai - Mixteco - Pai-pai
Campeche	Maya
Chiapas	Chol - Kakchiquel - Mame - Tojolabal - Tzeltal - Tzotzil - Zoque
Chihuahua	Guarijio - Pima - Tarahumara - Tepehuano
Durango	Huichol - Nahuatl - Tepehuano
Guerrero	Amuzgo - Mixteco - Nahuatl - Tlapaneco
Hidalgo	Nahuatl - Otomí - Tepehua
Jalisco	Huichol - Nahuatl
México	Matlazinca - Mazahua - Nahuatl - Otomí
Michoacán	Mazahua - Nahuatl - Otomí - Purépecha
Morelos	Nahuatl - Tlapaneco
Nayarit	Cora - Huichol - Nahuatl - Tepehuano

Source: Department of Public Education.

Table 11

National statistics on indigenous education

Service	Number of centres	Number of staff	Population covered
Pre-school education	6 066	9 067	212 539
Primary education	6 589	21 193	564 698
School hostels	1 186	3 610	59 552
Radio stations	33	63	
Social integration centres	30	680	4 810
Teams	31	240	16 416
Agencies	58	102	485 926
Programme for indigenous women	287	412	15 378

Source: Department of Public Education, National Institute for Indigenous Affairs.

139. With regard to pre-school education, this programme focuses on children four and five years of age in educational establishments known as centres for indigenous pre-school education. The 212,539 children targeted for teaching in 6,006 schools, with 9,067 teachers, represent 80 per cent of the potential demand, currently a little over 301,939 children.

140. The average growth rate in school enrolment is 6.38 per cent for the period 1981-1990; thus, by the year 2000, if this growth trend is maintained, there will be an enrolment of 352,000 children, increasing the number of teachers required by 4,287.

141. Currently, 564,698 children aged between 6 and 14 years are receiving primary education, in 6,589 schools, with 21,193 teachers. The average rate of growth of 4.91 per cent during the period 1981-1990 indicates that over 917,181 children will be catered for by the year 2000.

Table 12

Operational and territorial coverage of educational and support services, by Federal entity

State	Area supervisory offices	Supervisory areas	Municipalities	Localities	No. of Languages
Baja California	1	2	3	19	4
Campeche	2	7	7	119	1
Chiapas	13	95	103	1 486	7
Chihuahua	7	23	22	252	4
Durango	2	10	5	100	3
Guerrero	13	53	34	665	4
Hidalgo	7	58	43	702	3
Jalisco	1	6	2	50	2
México	5	19	21	230	4
Michoacán	4	16	26	154	4
Morelos	1	1	3	4	2
Nayarit	4	13	11	102	4
Oaxaca	21	130	410	1 817	16
Puebla	9	50	124	840	6
Querétaro	2	8	5	98	1
Quintana Roo	3	12	6	126	1
San Luis Potosí	3	20	24	377	3
Sinaloa	1	3	5	48	1
Sonora	4	15	15	228	6
Tabasco	1	9	9	122	2
Tlaxcala	1	1	6	18	2
Veracruz	12	62	76	930	12
Yucatan	4	25	74	385	1
Total	121	638	1 034	8 872	

Source: Department of Public Education.

Table 13

Centres, teaching staff and pupils in pre-school education, by Federal entity

State	Centres	Teaching Staff	Attendance		Total
			Men	Women	
Baja California	8	11	179	103	282
Campeche	82	125	1 690	1 142	2 832
Chiapas	567	870	13 124	8 338	21 462
Chihuahua	88	88	909	524	1 433
Durango	33	36	218	126	344
Guerrero	541	845	9 692	6 577	16 269
Hidalgo	433	577	7 656	5 232	12 888
Jalisco	17	17	205	118	323
México	208	302	3 815	2 491	6 306
Michoacán	110	214	2 791	1 942	4 733
Morelos	3	7	89	60	149
Nayarit	63	74	985	634	1 619
Oaxaca	1 202	1 891	29 577	19 028	48 605
Puebla	664	979	15 326	10 446	25 772
Querétaro	66	79	1 015	714	1 729
Quintana Roo	91	112	1 370	949	2 319
San Luis Potosí	342	529	6 235	4 309	10 544
Sinaloa	28	31	499	272	771
Sonora	183	273	2 687	2 259	5 946
Tabasco	104	197	2 740	1 870	4 610
Tlaxcala	14	31	538	410	948
Veracruz	911	1 327	19 052	12 413	31 465
Yucatan	248	452	6 645	4 545	11 190
Total	6 006	9 067	128 037	84 502	212 539

Source: Department of Public Education.

Table 14

Teaching staff and pupils, by language of primary education

Language	Staff	Pupils
Amuzgo	259	6 651
Cuicateco	43	1 112
Chatino	132	4 395
Chinanteco	486	14 288
Chocho	5	103
Chol	684	19 800
Chontal	231	6 469
Cochimi	4	63
Cora	86	2 281
Guarijio	22	364
Huasteco	298	7 192
Huave	48	1 551
Huichol	93	3 448
Kakchiquel	2	61
Kumiai	1	12
Mame	155	4 529
Maya	656	14 809
Mayo	169	4 016
Mazahua	288	7 556
Mazateco	1 051	28 145
Mixe	412	11 968
Mixteco	2 531	66 666
Náhuatl	4 610	120 739
Otomí	1 147	25 978
Pai-Pai	2	35
Pame	75	1 510
Pima	16	351
Popoloca	27	918
Popoluca	110	3 440
Purépecha	505	14 483
Seri	6	77
Spanish	634	13 065
Tarahumara	373	8 779
Tepehua	48	1 101
Tepehuano	230	4 882
Tlapaneco	841	19 540
Tojolabal	229	6 900
Totonaco	661	19 654
Triqui	145	3 620
Tzeltal	1 700	49 074
Tzotzil	1 054	33 109
Yaqui	52	1 106
Zapoteco	724	20 374
Zoque	348	10 484
Total	21 193	564 698

Source: Department of Public Education/Directorate-General for Indigenous Education.

Programmes of education for all, in particular the role of indigenous language

142. In the same way, literacy projects for the indigenous population, developed by the National Institute for Adult Education (INEA), focus inter alia on the population over 15 years of age for the teaching of reading and writing in the mother tongue, as well as of Spanish and basic arithmetic.

143. During the period 1986-1990, INEA promoted the following projects for the indigenous population:

Indigenous population, by ethnic group	Federal State
1. Zoque	Chiapas
2. Chol	Chiapas
3. Tojolabal	Chiapas
4. Tzeltal	Chiapas
5. Tzotzil	Chiapas
6. Zapoteco (Sierra and Isthmus)	Oaxaca
7. Mixteco	Oaxaca
8. Mixe	Oaxaca
9. Hñahñu	Hidalgo
10. Totonaco	Puebla
11. Nahua	Puebla
12. Totonaco	Veracruz
13. Náhuatl	Veracruz
14. Náhuatl	Guerrero
15. Otomí	Mexico
16. Mazahua	Mexico
17. Ralamuli	Chihuahua
18. Purépecha	Michoacán
19. Hñohño	Querétaro
20. Maya	Yucatán

Source: National Institute for Adult Education.

144. With regard to the work being carried out to continue and expand education for the indigenous population, in 1991, new projects will extend activities to the following groups:

(a) Chinanteco, Triqui and Chatino in the State of Oaxaca;

(b) Chol in the State of Tabasco;

(c) Maya in the States of Campeche and Quintana Roo;

(d) Náhuatl in the State of San Luis Potosí.

145. Work has also begun on translating various reading material to promote post-literacy progress among the indigenous population. It includes subject-matter to foster community development and the contents are adapted to the various groups according to age, sex, culture, location and social status. A start has also been made on establishing workshops to produce materials of local interest for the population.

146. Likewise, an important part of the Indigenous Education Programme consists of assistance services intended, on the one hand, to help persons of school age who have either dropped out or never attended school at all and, on the other hand, to contribute to community development.

Solidarity funds for the promotion of the cultural heritage of indigenous peoples

147. These funds are a set of standards and resources additional to those assigned to indigenous culture by Federal, State and municipal institutions; their purpose is to provide indigenous communities with resources to develop their own cultural strategies.

148. Thus, the Solidarity Fund for the Transfer of the Communications Media is designed to enable the indigenous radio-broadcasting network to be expanded. At present there are nine indigenous radio-broadcasting stations in the country, and three more will be brought into service this year. Attached to this document is a list, showing their location, frequency, population covered and languages broadcast (Annex IV).

149. This fund will also serve to finance the transfer of video equipment being undertaken by the National Institute for Indigenous Affairs at the request of indigenous organizations.

Festivals

150. In April and May of this year, the third Indigenous Festival of Mexico City was held. This festival, held every year, is attended by the indigenous authorities of Mexico City and includes the following activities: the presentation of dance and music groups from indigenous communities, with performers from the communities themselves; tianquis (craft markets); ethnographic cine club films and videos, and discussion groups.

151. In addition to this festival, a number of regional and national music, dance and indigenous arts and crafts festivals are held.

Research

152. The National Institute for Indigenous Affairs has a broad research programme, under which it currently conducts and publishes research on all kinds of issues relating to indigenous peoples. The aim is that this research should be of interest and benefit to the indigenous communities themselves. The major topics of research at present are the following: national identity, religion, indigenous events in Mexico, indigenous organizations, use of natural resources, traditional medicine, and so forth.

Awards and competitions

153. Every year, all indigenous peoples and the general public are invited to participate in INI awards under the following headings: traditional medicine, oral tradition, arts and crafts, technology, law and communications. The competition is aimed chiefly at indigenous peoples.

Music, films and photography

154. Traditionally, INI issues each year a number of records and cassettes of indigenous music. These records are produced from music recorded direct in indigenous communities. This material serves two purposes: firstly, to record the musical heritage of the country's ethnic groups; secondly, to make indigenous music known to the rest of society.

155. The Institute also produces each year a number of ethnographic films and videos, shot with the participation of members of the indigenous communities.

156. Last year marked the beginning of the Programme for the Transfer of Audiovisual Media to indigenous communities; this consists of providing indigenous organizations with video equipment in order that they may make their own films.

157. Lastly, it should be mentioned that a number of indigenous photographic exhibitions are held throughout the country during the year.

Annex

LIST OF DOCUMENTS TRANSMITTED BY THE GOVERNMENT OF MEXICO WITH THIS REPORT 1/

Annex I: Decree amending a number of provisions of the Federal Code of Criminal Procedure and the Code of Criminal Procedure of the Federal District, published in the Diario Oficial of the Federation on 8 January 1991

Annex II: Rules of Procedure of the National Commission on Human Rights, published in Náhuatl

Annex III: Handbook of Indigenous Educational Statistics, Department of Public Education, Mexico, 1990

Annex IV: Broadcasting network of the National Institute for Indigenous Affairs

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1/ These documents, in Spanish, may be consulted in the Secretariat files.